

REMARKS

Claims 1, 6-12, 16-25 and 29-32 are presently in the case for consideration by the Examiner. Claims 1, 10, 11, 12, 21, 23, 25 and 32 (all of which are independent claims) have been amended so as to define the invention for which prosecution is being sought. No new matter has been introduced by these amendments. The invention claims a composite nonwoven product eminently suitable for medical applications because of its softness, ability to drape, ability to provide blood, bacterial and viral barrier protection, ability to maintain its integrity, i.e., not delaminate in a wet state, and ability to undergo ethylene oxide sterilization, these properties in fact being enhanced following aging (see Table 1).

Basically as defined in the claims, the nonwoven product of the invention comprises a composite of a cast film of at least two layers, i.e., a multiple layer structure laminated to one or more nonwoven substrates on one or both sides of the film using adhesives for the lamination. The makeup of the cast film is critical to the key properties of delamination (peel strength and in particular wet peel strength) and as a blood barrier following ethylene oxide sterilization and aging, as is shown by the data provided by the applicants in Tables 1-3.

The Examiner's rejection of claims 1-2, 5-8, 10-13, 16-19 and 21-24 under 35 U.S.C. 102(e) is no longer maintainable as these claims have been amended to include the limitations of dependent claims 3, 4, 9, 15 etc., which more specifically define the composition of the multi-layer cast film including the barrier layer. The Examiner did not include these claims in that rejection.

It is noted that the Griesbach published application relied on by the Examiner “is drawn to a laminate comprising a nonwoven web having been treated with a surfactant and a stretched film. The stretched film comprises a core layer and at least one skin layer. The core layer has a percentage by weight of a micropore developing filler material incorporated therein. The stretched film has been stretched in at least one direction to some percentage of its original size until a desired degree of vapor permeability is reached. The film is thermally bonded to the surfactant treated nonwoven. The end result is a laminate that forms both a breathable barrier and passes blood strikethrough in compliance with ASTM F1 670-95 and has an exposed face that is capable of absorbing aqueous liquids.”(page 2, paragraph [0014], underlining ours). Alternate embodiments disclosed by Griesbach all include the surfactant treated nonwoven web and thermal bonding. The properties, because of the different construct, are not akin to those disclosed by applicants. In fact, no improvement in peel strength, in particular wet peel strength, or ability to undergo ethylene oxide sterilization for example are disclosed or are they possible because of the Griesbach construct. There is certainly no disclosure of wet peel strength being improved on aging after sterilization in Griesbach.

The Examiner has rejected claims 3 and 14 as unpatentable over Griesbach in view of Morman. In this regard, the Examiner admits that Griesbach fails to teach a barrier layer comprising low density polyethylene but relies on Morman to cure this omission.

Claims 3 and 14 are canceled claims but their subject matter has been incorporated into the independent claims on which they depend.

Morman is directed to forming a film and laminate which are dynamic and namely, they are extendable in a cross-direction to a stretched width which is at least 25% greater than its original unstretched width. The two states of Morman film are again very different construct than the composite of the invention and in fact is not comparable to the barrier laminate of the invention since it is microporous. The term "microporous" is defined at paragraph [0024] of Morman and would interfere with obtaining the sought after properties of the instant application.

This ground of rejection should be withdrawn.

The Examiner has rejected claims 4, 9, 15 and 20 as unpatentable (35 U.S.C. 103(a)) over Griesbach in view of Sharps. The Examiner notes that Griesbach fails to teach employing dry adhesives to bond the film to the nonwoven layers.

Sharps is concerned with composite laminates for making trash and other type bags, the key properties of which are strength and puncture resistance. To this end, Sharps employs a high strength nonwoven reinforcement material having at least one layer of a thin gauge plastic film face-bonded thereon. The bonding of the film to the nonwoven can be by heat lamination, spray adhesive or dry adhesive. The nonwoven material is fiber filled and is a very different material than the cast film layer of the invention. The patentee explains at column 4, lines 30 et seq. that "Adhesive bonding using, for example, a spray adhesive, bonds non-woven fibers to film and film to film, whichever contacts with the adhesive. The adhesive acts to physically crosslink the fiber structure together. The adhesive can be applied in aerosol form as discrete droplets so that bonding points are randomly located. A pressure sensitive adhesive in aerosol form, such as styrene-butadiene rubber, can be used, in which case the adhesive is applied to

the surfaces of plastic films” and “The adhesive can also be a thermosetting adhesive, either applied in aerosol form by applicators 35, 37 or supplied in dry form and built into the non-woven web 17 as discrete particles. Subsequent application of heat, by heated laminating roll 21, sets the adhesive bonding the films to each other and to the non-woven web.” The composites and the incorporation of the adhesives into their production can not be compared to the products and the adhesives as utilized by the applicants.

In effect, the Examiner has searched the laminate art not necessarily that are most closely related to the invention and has found film materials, the use of adhesives and in vacuo attempted to use these gleanings to reconstruct the invention. There is no suggestion coming from the art to do so, and any teaching of the use of the named materials or adhesives comes from the applicants’ invention which is clearly not available for this purpose.

In the examples, a comparison is made for highlighting the peel strength, especially wet peel strength, and barrier properties of the laminate of the invention of closely related structures and it can be appreciated how closely related the desired properties are to the claimed materials. This most certainly would not have been foreseen by the skilled in the art.

Reconsideration of the claims and allowance thereof are now respectfully

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Respectfully submitted,

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